

Customer No.: 31561  
Application No.: 10/709,720  
Docket No.: 11249-US-PA

REMARKS

Present Status of the Application

Claims 1-5 remain pending of which claim 1 has been amended to more explicitly describe the claimed invention. Amendments to claim 1 is fully supported at paragraph [0020]. Therefore, it is believed that no new matter adds by way of amendment to claims or otherwise to the application.

For at least the following reasons, Applicant respectfully submits that claims 1-5 are in proper condition for allowance. Reconsideration is respectfully requested.

Discussion of the claim rejection under 35 USC 102

*The Office Action rejected claims 1-5 under 35 U.S.C. 102(b) as being anticipated by Deluca et al. (US-5,784,001, hereinafter Deluca).*

Applicants respectfully disagree and submit that it is well established that under 35 U.S.C. 102, each and every elements of the rejected claim must be exactly disclosed by a single prior art reference.

Independent claim 1, as amended, is allowable over Deluca for at least the reason that Deluca substantially fails to teach or disclose each and every features of the claimed invention. More specifically, Deluca cannot anticipate the amended proposed independent claim 1 because Deluca substantially fails to teach or disclose a method of sending a short message via a mobile communication device, comprising at least the step of acquiring an inserting content including a text message based on said definition of said symbol; and inserting said inserting content to replace said symbol to generate a

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personalized short message, as required by the amended proposed independent claim 1. The advantage of the above features is that at least the messages can be made more personalized to provide warm feeling to the receiver.

Instead, Deluca, at FIGS. 3-8, substantially teaches or discloses different graphic messages associated with codes on the display 130. FIG. 3, col. 3, lines 37-49, for instance, illustrates the presentation of the graphic (image) message "DINNER WITH FAMILY" in response to reception of the codes "#09#04", "'I AM GOING TO THE TRAIN" in response to reception of the codes "#06#05" and the like. Therefore, it is clear that Deluca substantially fails to teach or disclose text messages that are associated with codes/symbols, as required the proposed amended independent claim 1, instead Deluca substantially teaches or disclose images that are associated with codes/symbols. Thus, Deluca can not possibly anticipate the amended proposed claim 1 in this regard.

Claims 2-5, which directly depend from the independent Claim 1 is also patentable over Deluca at least because of their dependency from an allowable base claim.

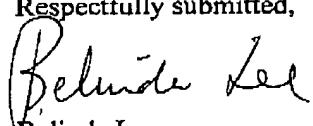
For at least the foregoing reasons, Applicants respectfully submit that claims 1-5 patently define over Deluca. Reconsideration and withdrawal of above rejections is respectfully requested.

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CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims 1-5 are in proper condition for allowance. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel to arrange for such a conference.

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Respectfully submitted,  
  
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